



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/767,631	01/23/2001	Ki Yeol Kim	U 013224-7	3432

7590 06/30/2004

Ladas & Parry
26 West 61st Street
New York, NY 10023

EXAMINER

LASTRA, DANIEL

ART UNIT	PAPER NUMBER
----------	--------------

3622

DATE MAILED: 06/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/767,631

Applicant(s)

KIM, KI YEOL

Examiner

DANIEL LASTRA

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. Claims 1-24 have been examined. Application 09/767,631 (System and method for transacting with graded prices by users based on a network) has a filing date 01/23/2001 and foreign priority# 2000-4451 (01/29/2000).

Claim Objections

2. Claims 2 and 10 are objected to because of the following informalities: "correspondance" should read "correspondence". Claim 19 recites "tht the" and should read "the". Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Deaton et al (U.S. 6,611,811).

As per claim 1, Deaton teaches:

A system for transacting with graded prices by users based on a network, in which, if client units are connected to an electronic commerce business server through a communication network, the electronic commerce business server transfers information of plural goods and prices information of the corresponding goods to client

Art Unit: 3622

units and users who determine the purchase intentions by using the goods and prices information provided from the electronic commerce business server transfer purchase goods information to the electronic commerce business server through the client units in order for goods sales and purchases are transacted in sites, characterized in that the electronic commerce business server determines users set groups including users by using log-in data inputted from the client units, determines final sale prices of the goods in price determination rules predetermined according to the users set group, and transfers the determined final sales prices information to the client units together with basic sales prices information and the goods information (see column 135; column 137, lines 15-45; columns 138, line 43 – column 140, line 159).

As per claim 2, Deaton teaches:

The system as claimed in claim 1, wherein the electronic commerce business server including:

a data input unit for inputting operating programs related to electronic commerce business, the goods information and the prices information provided to the client units by a server administrator (see column 134, line 63 – column 135, line 55; column 140, lines 37-52);

a first database unit for storing the log-in data inputted by users of the client units and additional information produced upon executing the electronic commerce business in correspondence with the log-in data (see column 140, lines 7-30);

a second database unit for storing at least one or more goods information and prices information corresponding to the goods (see column 135, lines 25-34);

a communication control unit for receiving the log-in data and the additional information inputted by the users of the client units and transferring to the client units the goods information and the prices information corresponding to the goods provided from the electronic commerce business server (see column 135); and

a control unit for controlling to store the additional information in the first database unit by using the log-in data inputted through the communication control unit, determining the users set group including the users by reading the additional information stored in the first database unit in case that the login data is inputted through the communication control unit, and, after determining final sales prices according to the users set group by reading basic sales prices information of the goods stored in the second database unit, transferring the corresponding basic sales prices information to the client units through the communication control unit together with the goods information (see column 135; column 137, lines 15-45; columns 138, line 43 – column 140, line 159).

As per claim 3, Deaton teaches:

The system as claimed in claim 1, wherein the electronic commerce business server classifies the goods to be provided to the client units by kinds, suppliers, or particular goods to be associated with graded users set groups, to thereby determine the final sales prices of the goods (see column 135, lines 25-62).

As per claim 4, the system as claimed in claim 2, contains the same limitations as claim 3 therefore the same rejection is applied.

As per claim 5, Deaton teaches:

The system as claimed in claim 1, wherein the users set groups are sets of groups that, by reading plural additional information built in the databases, the read plural additional includes all of predetermined criteria additional information (see column 135, lines 34-54).

As per claim 6, the system as claimed in claim 2, contains the same limitations as claim 5 therefore the same rejection is applied.

As per claim 7, the system as claimed in claim 3, contains the same limitations as claim 5 therefore the same rejection is applied.

As per claim 8, the system as claimed in claim 4, contains the same limitations as claim 5 therefore the same rejection is applied.

As per claim 9, the system for transacting with graded prices by users based on a network, contains the same limitations as claim 1 therefore the same rejection is applied.

As per claim 10, the system as claimed in claim 9, contains the same limitations as claim 2 therefore the same rejection is applied.

As per claim 11, Deaton teaches:

The system as claimed in claim 9, wherein the additional information is information produced from at least one of goods searches, purchase goods selections, and goods purchases of the users which are provided in the electronic commerce business server and information of verifying employees (see column 135, lines 34-54).

As per claim 12, the system as claimed in claim 10, contains the same limitations as claim 11 therefore the same rejection is applied.

Art Unit: 3622

As per claim 13, the system as claimed in claim 9, contains the same limitations as claim 3 therefore the same rejection is applied.

As per claim 14, Deaton teaches:

The system as claimed in claim 9, wherein the users grades are ranks determined by calculating given weights when reading plural additional information built in databases of the electronic commerce business server and giving predetermined weights to the respective read plural additional information (see column 135, lines 34-54).

As per claim 15, the system as claimed in claim 10, contains the same limitations as claim 14 therefore the same rejection is applied.

As per claim 16, the system as claimed in claim 11, contains the same limitations as claim 14 therefore the same rejection is applied.

As per claim 17, the system as claimed in claim 12, contains the same limitations as claim 14 therefore the same rejection is applied.

As per claim 18, the system as claimed in claim 13, contains the same limitations as claim 14 therefore the same rejection is applied.

As per claim 19, a method for transacting with graded prices by users based on a network, contains the same limitations as claim 9 therefore the same rejection is applied.

As per claim 20, the method as claimed in claim 19, contains the same limitations as claim 11 therefore the same rejection is applied.

Art Unit: 3622

As per claim 21, the method as claimed in claim 19, contains the same limitations as claim 13 therefore the same rejection is applied.

As per claim 22, the method as claimed in claim 19, contains the same limitations as claim 14 therefore the same rejection is applied.

As per claim 23, the method as claimed in claim 20, contains the same limitations as claim 15 therefore the same rejection is applied.

As per claim 24, the method as claimed in claim 21, contains the same limitations as claim 16 therefore the same rejection is applied.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Bieganski teaches an a method for generating a serendipity-weighted recommendation output set to a user based, at least in part, on a serendipity function.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 703-306-5933. The examiner can normally be reached on 9:30-6:00.

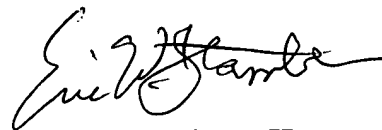
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W STAMBER can be reached on 703-305-8469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3622

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DL

Daniel Lastra
June 18, 2004



ERIC W. STAMBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600